

REMARKS

In response to the above Office Action, the Abstract has been amended to comply with the requirements of M.P.E.P. §608.01(b). A new Abstract is attached. Please delete the previous Abstract filed with this application.

In addition, the claims have been amended to avoid improper multiple dependency and the rejection of claims 1-3 under 35 U.S.C. §112, second paragraph. "Type" has been deleted from the claims, "capsule and a membrane" has been changed to "capsule membrane" and "ppm" has been added to claim 2. Withdrawal of the rejection of the claims under §112, second paragraph, is therefore requested.

Claim 1 has also been amended to include the subject matter of claims 4, 7 and 8, and these claims have been cancelled. In addition, claim 2 has been amended to include an upper limit on the claimed ratio, support for which is on page 34, lines 9-13. Support for the amendments to claims 10-15 and new claims 16-23 can be found in the claims as originally filed.

In the Office Action the Examiner rejected claims 1-3 under 35 U.S.C. §102(b) for being anticipated by Ishimura et al. (EP 0304503), hereinafter Ishimura.

As noted, claim 1 has been amended to include the subject matter of claims 4, 7, and 8. Even though the Examiner did not consider any of these dependent claims, it is believed that the features of at least claims 7 and 8 are not disclosed in Ishimura. This is a reference belonging to the same assignee as the present application, so they are familiar with its teachings.

Accordingly, it is submitted that neither amended claim 1 nor claims 2 and 3 dependent therefrom are anticipated by Ishimura. Its withdrawal as a ground of rejection of the claims under 102(b) is therefore requested.

The Examiner also rejected claim 1 for obviousness-type double patenting over claims 4, 5, and 7 of copending application No. 10/574,981 and over claims 1, 5, and 8 of copending application No. 10/594,594.

Now that claim 1 has been amended to include the features of at least claims 7 and 8 and these features are not disclosed in the noted claims of the two copending applications, it is submitted that the claims are no longer obvious in view of either of the claims of these applications. Withdrawal of the provisional rejection for obviousness-type double patenting over 10/574,981 and 10/594,594 is requested.

It is believed claims 1-3, 5, 6, and 9-23 are in condition for allowance.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Attachments: New Abstract